



CITY OF SACO, MAINE

CITY COUNCIL APPROVED CODE SUPPLEMENT

Approved on July 17, 2017 with an effective date on August 17, 2017

CITY CODE AMENDMENT, CHAPTER 165: RECREATIONAL MARIJUANA CULTIVATION AND SALE PROHIBITION – (SECOND & FINAL READING)

The purpose of this ordinance is to impose a ban on the operation of recreational marijuana establishments and retail marijuana social clubs in the City of Saco until the State of Maine has established its set of regulations.

This will also give the City of Saco time to establish its own rules and regulations before this ordinance would be set to expire.

Councilor Minthorn moved, Councilor Doyle seconded “The City Council hereby ordains and approves the Second and Final Reading of ‘City Code Amendment: Chapter 165-Recreational Marijuana Cultivation and Sale Prohibition’. The motion passed with seven (7) yeas.

“City of Saco Code Amendment:

Chapter 165 – Recreational Marijuana Cultivation and Sale Prohibition,”

Chapter 165. Recreational Marijuana Cultivation and Sale Prohibition

Section 165-101. Purpose:

The purpose of this ordinance is to impose a ban on the operation of recreational marijuana cultivation, retail marijuana establishments, and retail marijuana social clubs in the City of Saco (City).

Section 165-102. Findings:

The Maine State Legislature’s Marijuana Legalization Implementation Committee is drafting new law(s) regarding Recreational Marijuana Cultivation and Sale in response to the citizens’ initiative; these laws are expected by February of 2018.

Until those laws and regulations are established by the state, and this chapter of the city code expires, is repealed and replaced, or is reauthorized, the City will continue to prohibit the cultivation and sale of recreational marijuana in manners that are outlined in Section 165-105.

Sec. 165-103. Authority:

This proposed Ordinance to be adopted pursuant to the City’s home rule authority pursuant to 30-A MRS Section 3001, et seq.

Section 165-104. Definitions:

Retail Marijuana: Cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail Marijuana Cultivation Facility: An entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail Marijuana Establishment: Retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail Marijuana Product: Concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

Retail Marijuana Social Club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Retail Marijuana Testing Facility: An entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

Section 165-105. Recreational Marijuana Prohibition:

The operation of retail marijuana establishments which includes retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities; and the operation of retail marijuana social clubs are prohibited within the City, and therefore all activities related to the abovementioned retail uses such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring, and distributing recreational marijuana are expressly prohibited within the City.

Section 165-107. Violations and Enforcement:

Any designated City Code Enforcement Officer (CE Officer) or City of Saco Police Officer (Officer) is authorized and shall have the authority to enforce all provisions of this ordinance. A CE Officer or Officer may issue a written cease operations order directing the occupancy, use, and other activities prohibited under this ordinance to cease immediately, and that the premises be vacated. Upon notice of the cease operations order, all occupancy, use, or other activity subject to the cease operations order shall stop immediately and the premises shall be vacated and closed.

Any person violating the provisions of this ordinance may be liable for the penalties set forth below:

First Violation. The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is \$2,500.

Multiple. The penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is \$25,000 when it is shown that there has been a previous conviction of the same person within the past five (5) years for a violation of the ordinance.

Section 165-108. Effective Date:

The provision of this ordinance shall become effective 30 days after its enactment. This ordinance automatically expires one year after the effective date unless it is repealed or reauthorized by the City Council.

Section 165-109. Severability:

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.